

REMARKS

Claims 1-20 are pending. Applicants address below each of the rejections set forth in the Action.

I. Claims 1-20 Are Patentable over Britto in view of Chippendale

Claims 1-20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,253,762 to Britto (Britto) in view of U.S. Patent No. 5,490,497 to Chippendale, et al. (Chippendale). The Action states that “Britto teaches using fluorinated polymers blended with non-fluorinated polymers as coating for the internal surfaces of MDI device (col. 5, lines 14-22). Therefore, any coated surfaces, including the metering chamber will be comprised of a coating having a fluorinated and non-fluorinated polymers.” (The Action, page 2) (emphasis added). Applicants respectfully traverse this rejection.

The Action’s rejection appears to be premised on the belief that claim 1 recites “wherein the metering chamber is coated with a plastics material which is a mixture of a fluorinated polymer and a non-fluorinated polymer.” In fact, claim 1 does not include such a recitation, but instead recites “wherein the metering chamber is made from a plastics material which is a mixture of a fluorinated polymer and a non-fluorinated polymer.” Thus, as recited in claim 1, the material of the metering chamber wall is itself made from the recited mixture, and not merely coated with such a mixture. Applicants respectfully submit that Britto in combination with Chippendale neither discloses nor suggests an aerosol container that includes a valve having a metering chamber “wherein the metering chamber is made from a plastics material which is a mixture of a fluorinated polymer and a non-fluorinated polymer” as recited in claim 1. For at least this reason, Applicants respectfully submit that claim 1 is patentable over Britto in view of Chippendale. For at least similar reasons, Applicants respectfully submit that independent claim 12 is patentable over Britto in view of Chippendale.

Claims 2-11 each depend from patentable independent claim 1. For at least this reason and without acquiescing in the Action’s rejections of these claims, Applicants respectfully submit that these dependent claims are also patentable over Britto in view of Chippendale. Applicants expressly reserve the right to argue the separate patentability of one or more of these claims in the future.

Claims 13-20 each depend from patentable independent claim 12. For at least this reason and without acquiescing in the Action's rejections of these claims, Applicants respectfully submit that these dependent claims are also patentable over Britto in view of Chippendale. Applicants expressly reserve the right to argue the separate patentability of one or more of these claims in the future.

For at least the foregoing reasons, Applicants respectfully request the withdrawal of the outstanding rejections of claims 1-20 over Britto in view of Chippendale.

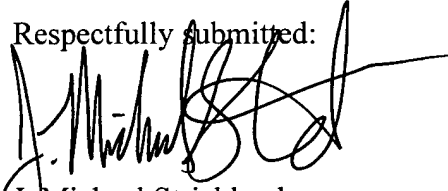
II. Conclusion

The concerns of the Examiner addressed in full, Applicants respectfully request the withdrawal of the outstanding rejections and the issuance of a Notice of Allowance forthwith.

Applicants encourage the Examiner to direct any questions regarding this application to the undersigned, who may be contacted at (919) 483-9024.

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